



The Advancement of Women in Post-Conflict Nepal

Lily Thapa¹ MA and Deon V. Canyon PhD DBA MPH FACTM²

1. Founder/ Strategic Advisor, Women for Human Rights, single women group (WHR)
Organization in Special Consultative Status with the Economic and Social Council (ECOSOC)
Baluwatar, Kathmandu, Nepal
2. APCSS Associate Professor

Abstract

The Nepalese Civil War from 1996 to 2006 left in its wake an awareness that the involvement of women in every sector of society is fundamentally important. The resulting changes in law and the creation of new legislation demonstrated this awareness and reflected a growing appreciation of the need for gender equality. However, challenges remain in the lack of authenticated data on conflict-affect women, in the inadequate operational rollout of legislation, in the lack of access to appropriate services and compensation, and in the way that female ex-combatants are treated and reintegrated. Recommendations include data disaggregation, effective management of conflict-affected women, modifications to existing laws on disappeared persons, provision of vital support services, and the establishment of a formal network for conflict-affected women that can advocate on their behalf.

Introduction

The fourth World Conference on Women occurred in Beijing, 1995 and addressed twelve critical areas of concern. One of these areas was 'Women and Armed Conflict.' At that time, this was not a priority issue for Nepal because a civil war was brewing. Between 1996 and 2006, an internal armed conflict raged between the Government of Nepal (GoN) and the Communist Party of Nepal Maoists (CPN Maoist) leaving many dead and missing (Table 1).

Table 1: Humanitarian statistics associated with the Nepalese Civil War.ⁱ

* While the disaggregated number of women suffering from atrocities of conflict has not been determined, local organizations estimate by that 40 to 60% of all conflict victims and affected people were women.

Type of atrocity*	People
Killings	17,828
Disappeared	1,452
Widowed women	9,000
Internally displaced families	9,000
Internally displaced people	89,171
Injured and disabled people	5,912
Kidnappings	2,985

After the signing of the Comprehensive Peace Agreement on 21 November 2006, the GoN and CPN Maoist agreed to confine the People's Liberation Army in the cantonment and begin the disarmament process.ⁱⁱ The agreement was a major breakthrough and effectively ensured

reparation of victims of armed conflict and the provision of mechanisms for transparency, justice and sustainable peace.ⁱⁱⁱ However, the negotiations that led to the agreement largely excluded women.^{iv} The agreement ended the violence, created the Ministry of Peace and Reconstruction (MoPR), and prioritized social, economic, and political action.^v MoPR managed peace negotiations and agreements, and provided oversight for national commissions and local committees.

Many issues, regarding the rehabilitation and reintegration of different categories of conflict victims, emerged after the end of the armed conflict. During this transitional period, prosecution mechanisms were weak and due to poor law enforcement, perpetrators did not face penalties or punishments. Core reasons relate to political instabilities, poor consensus of political parties, ineffective implementation of plans and policies, and political-influence on the Truth and Reconciliation Commission.

Among the verified 23,610 Maoist combatants, 4,008 were discharged in 2010, being identified as Verified Minors and Late Recruits (VMLR). Among them, 3,846 were women, that is, approximately 20% of the total combatants.^{vi} However, the exact numbers of female combatants remain unknown. Female bodies become a focus and a tool of war in violent power struggles. Soldiers on both sides raped and sexually victimized thousands of women during high intensity periods of armed conflict in pure exploitation and with the aim of intentionally breaking down enemy 'honor'.

While this conflict loosened the social fabric and caused great shifts in the power and status of many Nepalese, it conversely had the effect of promoting the advancement of women. From the start of the Nepalese Civil War up to the present post conflict situation today, the 'Conflict and Women' agenda, originating from the Beijing World Conference on Women, has gained momentum and is now a high national priority.

Post-Conflict Improvements Relating to Conflict and Women

Many gender-related improvements emerged in post-conflict Nepal. Some of the first actions included the Gender Equality Act of 2006, and the 2007 Interim Constitution of Nepal that prohibited physical, mental or any other form of violence against women. The latter included a GBV provision from the Comprehensive Peace Accord. The Interim Government then passed and amended 56 discriminatory provisions from various laws and policies.

In 2007, the GoN passed a Human Trafficking Act to provide support and care for victims. It notably criminalized transportation for trafficking. At the policy level, the Tenth Five Year Plan established gender focal points in ministries and task forces at central and district levels to conduct trafficking surveillance.

In 2008, the GoN and seven donors jointly initiated the Nepal Peace Trust Fund to assist the MoPR to fulfill commitments made in the Comprehensive Peace Agreement. Since its inception, the Fund has completed 63 projects in four thematic areas: integration and rehabilitation of fighters; conflict affected communities; security and justice; and peace building.

The MoPR established local Peace Committees (LPC) with mandatory 33% female members in 2010.^{vii} Fast progress was made and 75 LPCs exist at the district level (one in each district), 46 at

the municipal level, and more than 2,700 at the Village Development Committee level.^{viii} Following the successful LPC rollout, the GoN adopted United Nations Security Council Resolutions 1325 and 1820, and proposed an 18-member high-level steering committee with the Minister of Foreign Affairs as chair for the implementation of a National Action Plan.^{ix} Following revision, the Council of Ministers approved the National Action Plan in February 2011 and a second version based on UNSCR 1325 is in the process of development.

The Comprehensive Peace Agreement combined with the adoption of UNSCR 1325 and 1820 enabled significant progress in increasing the participation of women in peace negotiations and peace building processes, and acknowledged the value of their contribution and importance in both community and national level peace processes.

The national response included declaring 2010 as the Year to End Gender Based Violence. Furthermore, it created a prevention fund for gender violence, a free hot-line number directly connecting to the Prime Minister's Office, and a GBV plan with a special focus on prevention, prosecution and protection women and girls. To back up these efforts in the legal forum, the Supreme Court issued orders on confidentiality policies to maintain privacy on the issues of GBV.

An estimated 50,000 Nepalese displaced by the war remained unable or unwilling to return to their homes in 2012 due to unresolved land and property issues, insecurity and lack of assistance.^x A National IDP Policy for internally displaced peoples (IDP) was established with initiatives and compensation schemes as well as integration management for ex-combatants. Different categories of conflict victims continue to seek effective remedy and reparation services. Some internally displaced peoples (IDP) have received monetary assistance to reconstruct or maintain their homes. Some injured conflict victims have been provided with relief and compensation, including wheelchairs, and artificial limbs. A lump sum of NPR 300,000 was provided to the families of disappeared people. A voluntary retirement fund for ex-combatants was established. Public health centers provided free medical checkups for the children of ex-combatants below the age of 5 years. A lump sum was provided to the wives of security force members. Moreover, all victims are able to access immediate relief and assistance programs.

The civil and political roles of women grew remarkably as a side effect of the conflict. During and post conflict, in absence of male family members, many women had to take on the role of family bread winners and household decision makers in addition to taking care of dependents. The involvement of women in the GoN security forces and the People's Liberation Army rapidly broke down the patriarchal notion that women require protection because they cannot provide security to self and others.

Other more recent developments included the Conflict, Peace and Development Studies program at Tribhuvan University, the premier higher education institution in Nepal, and a more engaged media.^{xi} Reporting has been more forthright in cases of people being victimized by the conflict and the rampant problem of impunity is being challenged. Several nongovernmental organizations are currently providing response and recovery services to conflict victims with a specific focus on women and children. These organizations work closely with victims and local government stakeholders to specific gender issues.^{xii}

Further positive actions occurred in 2014, when the GoN passed the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, and then in 2015, when it established the Truth and Reconciliation Commission. Currently, the Government of Nepal (GoN) is a state party to six of nine core human rights instruments: the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Rights of the Child (CRC); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) with a wider range of fundamental rights that require protection of citizens. Furthermore, International Humanitarian Law (IHL) prohibits rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence of similar gravity, which can include assault, trafficking, and strip searches. All forms of gender based violence (GBV) and sexual GBV (SGBV) are prohibited discrimination.xiii

Post-Conflict Challenges to the Advancement of Women

Even after eleven years have passed since the end of the conflict, many deep seated issues remain that prevent the women and conflict agenda from advancing to its fullest capacity.

1. Authenticated data on conflict-affected women (CAW) remain unavailable on a national level. There are differences in the data held by government and national and international nongovernmental organizations, civil society organizations, human rights organizations and the media. Only one level of categorization of victims exists and disaggregated data are not in place yet. Even the definitions of different categories of conflict victims required to disaggregate the data have not been clarified. This lack of data authentication is a major problem in the peace process and hampers efforts to seek justice.
2. The Truth and Reconciliation Commission and the Disappearance Commission were formed separately instead of integrating their crosscutting agendas. Unfortunately, consultations with CAW were at short notice in an *ad hoc* and limited fashion. The outcome thus failed to meet essential CAW needs. The Truth and Reconciliation bill passed with a blanket approach to the provision of amnesty and with much of political intervention. The conflict victim's network has responded by appealing to the Supreme Court.
3. Services and relief and recovery packages are limited to a few trainings, limited financial compensation (a few thousand rupees per person), and there are still thousands of victims who have been denied their basic rights to food, lodging, medical services, psychosocial counseling, children scholarships, income generation and employment opportunities, and reintegration in the society.
4. According to GoN statistics there are 9000 conflict widows and in a 2012/13 review of the National Action Plan it was revealed that only 4,279 had received monetary compensation. Many of those who have received compensation have not received the full amount and local NGOs estimate that there are many more than 9000 conflict widows. This compensation effort is thus far discriminatory in nature.
5. Sexual violence and torture victims have not been included on the GoN agenda for consideration in the immediate and longer term. The GoN has extended the 35 days reporting period for any case of sexual assault and violence due to associated mental state

stigma and victim vulnerability. This lack of action has resulted in severe aftermath effects of sexual violence including suicide, mental trauma and stigma, and psychological vulnerabilities. The GoN has failed to address issues relating to the nurturing and caring of children born from rape and the citizenship of such children.

6. During the conflict, the GoN forces and People's Liberation Army violently abducted, injured and abused countless numbers of people who were accused of being informants and put in detention. Thousands of women experienced beatings and torture from either of the conflicting parties and sometimes from both. The security sector failed to report these cases of their own making and many of women are still under medication and treatment with no support from the GoN. Some injured people have received compensation, based on the scale of their disabilities. Women have the additional role of looking after injured family members and have limited mobility, which predisposes them to engage in informal economies.
7. The International Committee of the Red Cross has received 3810 requests from families who have lost track of their relatives and has been able to resolve 2432 of these cases.^{xiv} In 2011, 1378 cases remained unresolved. Information that is more recent is difficult to come by since the earthquake has mixed the data. The additional cases might have resolved to some extent but not to the full extent. Most of the disappeared are male members of the family and as a result, their children and wives remain vulnerable. Wives of disappeared men live the life of a half widow. Limitations on access to property rights compounds the emotional and psychological trauma faced by these women. Families have to wait for 12 years to use the property of a disappeared man, which greatly restricts access their farming, livelihood, food, education, health care and shelter.
8. Female ex-combatants and other CAW who contributed as social capital in development and peace processes are not officially recognized. During the integration of People's Liberation Army with the GoN Army, most female combatants, unmarried or married, with or without children, were rejected on the ground of inadequate capacity. The GoN provided them with a minimal amount during an enforced voluntary retirement, which was inadequate to start any new venture or career. Due to patriarchal nature of Nepalese society, the stigma faced by these female ex-combatants was comparatively much higher than for male ex-combatants. They are often the victims of social conflict when people delve into their past's in name of discerning 'purity' and are often discarded as unmarriageable women.
9. Local government agencies such as Local Peace Committees (LPC), District Coordination Committees (DCC), Village Development Committees (VDC), and District Development Committees (DDC) are less sensitive towards these conflict-affected women and their requests are not heard or addressed in this male dominated society. Unfortunately, male political interference tends to influence the services provided by these entities.
10. Cultural barriers to female participation in the security forces remains strong. National mechanisms for the advancement of women are still at an early stage. A pool of combat-experienced and capable women exists, but they find it extremely difficult to gain entry to security forces. The use of quotas is impractical; however, it is the only way to guarantee an increase in female representation. Globally, the consensus is that women are essential to enabling security forces to achieve peak performance and Nepal is far behind.

Emerging Trends Relating to Conflict and Women

During the Nepalese Civil War and post conflict, compromised security made living difficult in a depressed economy, many males moved to urban centers and travelled abroad, especially to Middle Eastern countries, Malaysia and South Korea. This diaspora has propped up the Nepalese economy in the form of remittances that comprise a significant component of the national gross domestic product. On a community level, these remittances are causing considerable disintegration of social structures and harmony due to disparities in income level between households with and without a remittance source.

A bill relating to the Truth and Reconciliation Commission, that has been determined to be insufficiently victim centric is still in process through legislative bodies. Conflict-affected networks are challenging the bill in the Supreme Court. If the bill is not revised and no reformation of the Truth and Reconciliation Commission and the Disappearance Committee takes place, the outcome will not be fair for victims.

Although thousands of women were torture victims and became experience sexual violence during the conflict, the formal description of a conflict-affected individual still does not include the fact that a person has been tortured and sexually violated. This remains a legal barrier to accessing appropriate services and compensation.

Recommendations

The following recommendations may assist in addressing some of the challenges and emerging issues thus far mentioned:

1. Funded research is required to authenticate existing conflict-related data and to create an acceptable, single, reputable source of affect population demographics and statistics. This process must include the disaggregation of data into appropriate categories of conflict-affected women for certification and identification. In-depth data will need to be sourced at the national level as well as from district level CAW networks.
2. CAW need to be issued with ID cards and require daily access to support in appropriate service facilities that provide affirmative action, transportation, health care, employment opportunities, education of children and social security schemes. Fast track service mechanisms are necessary for CAW to avoid barriers related to medical reports, time delays and legal documents. More safe houses are required for immediate rehabilitation and security.
3. Required commissions such as the Truth and Reconciliation Commission, Disappearance Commission, Endorsement of Torture Bill and other government obligations should be fulfilled to acknowledge and address immediate and long term needs of CAW.
4. In the case of missing or disappeared family members, the provision of waiting for 12 years to access family property under the Evidence Law of Nepal, Article 32 needs to be challenged to reduce the timeframe since family members need resources to live full lives without constraints.

5. Until the commissions are formed and after that, immediate services should be channeled through local CSOs and a one door mechanism should be promoted to avoid duplication and promote accountability of government towards citizens.
6. The Madhesh Andolan (Terai Movement) detrimentally affected a few thousand women, so the GoN should acknowledge and address this by providing immediate and long-term services as part of the reintegration process.
7. Create a national CAW Network with offices in each of the 75 Districts and at the Central level. The functions of this network would include: i) acting as a human rights watchdog; ii) advocating on behalf of women who experience discrimination; and iii) tracking fair access to relief and recovery packages from GoN and non-governmental agencies.

The implementation of these recommendations would demonstrate Nepal's commitment to achieving a holistic solution to the civil war that benefits all sectors of society. The provision of appropriate support services and mechanisms that assist women affected by conflict are the very minimum that is required for Nepal to be respected in the international arena. If the government also managed to reintegrate female ex-combatants and found ways to address cultural blockages, they would become an international example of best practice. It is fundamentally important to create a sense normality in post-conflict situations. Governments must make all efforts to target organizations, policies and people who perpetuate discrimination against women who are affected by or who are involved in conflict, so that society as a whole can heal and move forward to a more respectful and productive future.

The views expressed in these articles are those of the authors and do not reflect the official policy or position of DKI APCSS, the U.S. Pacific Command, the U.S. Department of Defense, or the U.S. government.

References

- i Ministry of Peace and Reconstruction (MoPR) Government of Nepal.
- ii MoPR. Comprehensive Peace Accord, Government of Nepal and the Communist Party of Nepal in 2006.
- iii MoPR. External Monitoring of Nepal Peace Trust Fund (NPTF). Kathmandu: Ministry of Peace and Reconstruction, 2011.
- iv Arino MV. Nepal: a gender view of the armed conflict and the peace process. Barcelona: School for a Culture of Peace, 2008.
- v Odendaal A. An architecture for building peace at the local level: A comparative study of Local Peace Committees.' Discussion Paper. United Nations Development Programme, 2010.
- vi Nepali Times, 2012.
- vii Tandukar A, Upreti BR, Paudel SB, Acharya G, Harris D. The effectiveness of Local Peace Committees in Nepal. Working Paper 40, Nepal Center for Contemporary Research, 2016.
- viii MoPR. External Monitoring of Nepal Peace Trust Fund (NPTF). Kathmandu: Ministry of Peace and Reconstruction, 2013 Jan.
- ix MoPR and Saathi. Mapping report on NAP on UNSCR 1325 and 1820, 2012.
- x International Displacement Monitoring Centre. Nepal: unresolved property issues and IDP policy hiatus undermine search for durable solutions. Thomson Reuters 2013;Jan 23.
- xi Tribhuvan University, Journal of Women Studies, 2010.
- xii INSEC Conflict Victims Profile, Aug 2010, available from www.insec.org.np/victim.
- xiii Treaties, conventions, declarations and laws signed by GoN prior to start of armed conflict in Nepal
- xiv ICRC. ICRC action in Nepal for missing persons and their families 2011;April